

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GENERAL ACCESS SOLUTIONS, LTD.,

Plaintiff,

v.

SPRINT CORPORATION, VIRGIN MOBILE
USA, L.P. and BOOST MOBILE LLC,

Defendants.

Case No. 2:16-cv-00465-RWS

JURY TRIAL DEMANDED

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS
SPRINT CORPORATION, VIRGIN MOBILE USA, L.P., AND BOOST MOBILE LLC
TO PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Sprint Corporation ("Sprint"), Virgin Mobile USA, L.P. ("Virgin Mobile"), and Boost Mobile LLC ("Boost Mobile") (collectively the "Defendants"), hereby submit their Answer and Affirmative Defenses to Plaintiff General Access Solutions, LTD's ("Plaintiff") Complaint for Patent Infringement ("Complaint"). The Defendants deny all allegations in the Complaint not specifically admitted below. In responding to the Complaint, the Defendants use the headings employed by Plaintiff strictly as a convenience to the Court, and do not admit any allegation made in, or inference suggested by, such headings. The Defendants answer the numbered paragraphs of the Complaint as follows:

NATURE OF THE ACTION

1. The Defendants admit that this purports to be an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.* The Defendants specifically deny any alleged infringement and further deny that Plaintiff is entitled to any of the requested relief.

2. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore deny them.

3. Admitted.

4. Admitted.

5. Admitted.

6. Denied.

7. The Defendants admit that this purports to be an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.* The Defendants specifically deny any alleged infringement and further deny that Plaintiff is entitled to any of the requested relief.

8. The Defendants admit that this Court has subject matter jurisdiction over patent infringement claims generally under 28 U.S.C. §§ 1331 and 1338(a); however, the Defendants deny that the Complaint sets forth valid or meritorious claims of patent infringement.

9. The Defendants admit that they conduct business in this District and that venue is technically proper in this District. However, the Defendants deny that this District is the most convenient forum for this action and reserve all rights to seek transfer to a more convenient forum. The Defendants deny the remaining allegations in paragraph 9.

10. For the purposes of this action only, Defendants do not contest that they are subject to personal jurisdiction in this Court. The remaining allegations in paragraph 10 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, the Defendants only admit that they do business in this District. The Defendants deny the remaining allegations in paragraph 10.

BACKGROUND

11. The Defendants admit that their wireless networks, in part, employ some 3G technologies. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 11 and therefore deny them.

12. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 12 and therefore deny them.

13. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 13 and therefore deny them.

14. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 14 and therefore deny them.

15. This allegation is not directed to Defendants Boost Mobile or Virgin Mobile; thus no answer is necessary. To the extent an answer is necessary, Defendants Boost Mobile and Virgin Mobile are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and therefore deny them. Sprint admits that it acquired Clearwire Corporation in 2013. Sprint further admits that it owns licenses in various wireless communication spectrums. Sprint is without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 15 and therefore denies them.

16. This allegation is not directed to Defendants Boost Mobile or Virgin Mobile; thus no answer is necessary. To the extent an answer is necessary, Defendants Boost Mobile and Virgin Mobile are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 16 and therefore deny them. Sprint admits that its wireless networks, in part, employ some 3G technologies. Sprint denies any implication that this description captures the full extent of Sprint's business or future business. Sprint is without knowledge sufficient to form

a belief as to the truth of the allegations in paragraph 16 and therefore denies them.

17. This allegation is not directed to Defendants Boost Mobile or Virgin Mobile; thus no answer is necessary. To the extent an answer is necessary, Defendants Boost Mobile and Virgin Mobile are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 17 and therefore deny them. Sprint denies that it had knowledge of the '810, '916, and '931 patents and/or the applications leading to those patents prior to the filing of the Complaint. Sprint is without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 17 and therefore denies them.

THE [ALLEGEDLY] INFRINGING INSTRUMENTALITIES

Defendants admit that they currently operate and/or have operated telephony networks. Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in this unnumbered paragraph and therefore deny them.

18. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 18 and therefore deny them.

19. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 19 and therefore deny them.

20. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 20 and therefore deny them.

21. This allegation is not directed to Defendants Boost Mobile or Virgin Mobile; thus no answer is necessary. To the extent an answer is necessary, Defendants Boost Mobile and Virgin Mobile are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 21 and therefore deny them. Sprint admits that it is and/or has been a "WiMAX Forum member." Sprint is without knowledge sufficient to form a belief as to the truth of the

remaining allegations in paragraph 21 and therefore deny them.

22. This allegation is not directed to Defendants Boost Mobile or Virgin Mobile; thus no answer is necessary. To the extent an answer is necessary, Defendants Boost Mobile and Virgin Mobile are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 22 and therefore deny them. Sprint denies that it had knowledge of the '810, '916, and '931 patents and/or the applications leading to those patents prior to the filing of the Complaint. Sprint is without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 22 and therefore denies them.

23. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 23 and therefore deny them.

24. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 24 and therefore deny them.

25. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 25 and therefore deny them.

26. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 26 and therefore deny them.

27. Denied.

28. Virgin Mobile admits that the documents and information posted on its website speak for themselves. Virgin Mobile denies the remaining allegations in paragraph 28.

29. Boost admits that the documents and information posted on its website speak for themselves. Boost denies the remaining allegations in paragraph 29.

30. Denied.

31. Denied.

COUNT I – [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 6,891,810

32. The Defendants incorporate their responses to paragraphs 1 – 31 as if fully set forth herein.

33. The Defendants admit that U.S. Patent No. 6,891,810 (“the ’810 patent”) bears a title of “Wireless Access System and Associated Method Using Multiple Modulation Formats in TDD Frames According to Subscriber Service Type.” The Defendants further admit that the ’810 patent bears an issue date of May 10, 2005. The Defendants further admit that attached as Exhibit 1 is what purports to be a true and correct copy of the ’810 patent. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 33 and therefore deny them.

34. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 34 and therefore deny them.

35. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 35 and therefore deny them.

36. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 36 and therefore deny them.

37. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 37 and therefore deny them.

38. Denied.

39. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 39 and therefore deny them.

40. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 40 and therefore deny them.

41. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 41 and therefore deny them.

42. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 42 and therefore deny them.

43. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 43 and therefore deny them.

44. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 44 and therefore deny them.

45. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 45 and therefore deny them.

46. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 46 and therefore deny them.

47. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 47 and therefore deny them.

48. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 48 and therefore deny them.

49. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 49 and therefore deny them.

50. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 50 and therefore deny them.

51. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 51 and therefore deny them.

52. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 52 and therefore deny them.

53. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 53 and therefore deny them.

54. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 54 and therefore deny them.

55. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 55 and therefore deny them.

56. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 56 and therefore deny them.

57. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 57 and therefore deny them.

58. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 58 and therefore deny them.

59. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 59 and therefore deny them.

60. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 60 and therefore deny them.

61. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 61 and therefore deny them.

62. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 62 and therefore deny them.

63. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 63 and therefore deny them.

64. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 64 and therefore deny them.

65. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 65 and therefore deny them.

66. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 66 and therefore deny them.

67. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 67 and therefore deny them.

68. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 68 and therefore deny them.

69. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 69 and therefore deny them.

70. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 70 and therefore deny them.

71. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 71 and therefore deny them.

72. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 72 and therefore deny them.

73. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 73 and therefore deny them.

74. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 74 and therefore deny them.

75. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 75 and therefore deny them.

76. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 76 and therefore deny them.

77. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 77 and therefore deny them.

78. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 78 and therefore deny them.

79. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 79 and therefore deny them.

80. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 80 and therefore deny them.

81. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 81 and therefore deny them.

82. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 82 and therefore deny them.

83. Paragraph 83 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, the Defendants only admit that they do business in this District. The Defendants deny the remaining allegations in paragraph 83.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

COUNT II – [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 7,173,916

88. The Defendants incorporate their responses to paragraphs 1 – 87 as if fully set forth herein.

89. The Defendants admit that U.S. Patent No. 7,173,916 (“the ’916 patent”) bears a title of “Wireless Access System Using Multiple Modulation Formats in TDD Frames and Method of Operation.” The Defendants further admit that the ’916 patent bears an issue date of February 6, 2007. The Defendants further admit that attached as Exhibit 2 is what purports to be a true and correct copy of the ’916 patent. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 89 and therefore deny them.

90. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 90, and therefore deny them.

91. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 91, and therefore deny them.

92. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 92, and therefore deny them.

93. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 93, and therefore deny them.

94. Denied.

95. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 95, and therefore deny them.

96. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 96 and therefore deny them.

97. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 97 and therefore deny them.

98. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 98 and therefore deny them.

99. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 99 and therefore deny them.

100. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 100 and therefore deny them.

101. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 101 and therefore deny them.

102. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 102 and therefore deny them.

103. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 103 and therefore deny them.

104. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 104 and therefore deny them.

105. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 105 and therefore deny them.

106. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 106 and therefore deny them.

107. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 107 and therefore deny them.

108. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 108 and therefore deny them.

109. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 109 and therefore deny them.

110. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 110 and therefore deny them.

111. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 111 and therefore deny them.

112. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 112 and therefore deny them.

113. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 113 and therefore deny them.

114. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 114 and therefore deny them.

115. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 115 and therefore deny them.

116. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 116 and therefore deny them.

117. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 117 and therefore deny them.

118. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 118 and therefore deny them.

119. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 119 and therefore deny them.

120. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 120 and therefore deny them.

121. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 121 and therefore deny them.

122. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 122 and therefore deny them.

123. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 123 and therefore deny them.

124. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 124 and therefore deny them.

125. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 125 and therefore deny them.

126. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 126 and therefore deny them.

127. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 127 and therefore deny them.

128. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 128 and therefore deny them.

129. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 129 and therefore deny them.

130. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 130 and therefore deny them.

131. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 131 and therefore deny them.

132. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 132 and therefore deny them.

133. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 133 and therefore deny them.

134. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 134 and therefore deny them.

135. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 135 and therefore deny them.

136. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 136 and therefore deny them.

137. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 137 and therefore deny them.

138. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 138 and therefore deny them.

139. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 139 and therefore deny them.

140. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 140 and therefore deny them.

141. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 141 and therefore deny them.

142. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 142 and therefore deny them.

143. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 143 and therefore deny them.

144. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 144 and therefore deny them.

145. Paragraph 145 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, the Defendants only admit that they do business in this District. The Defendants deny the remaining allegations in paragraph 145.

146. Paragraph 146 contains conclusions of law and not averments of fact to which an answer is required, but insofar as a response is required, Defendants deny that service of the Complaint provided sufficient legal notice of the '916 patent or any alleged infringement by Defendants as of the date of service. Defendants deny all remaining allegations contained in paragraph 146.

147. Denied.

148. Denied.

149. Denied.

COUNT III – [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 7,230,931

150. Defendants incorporate their responses to paragraphs 1-149 as if fully set forth herein.

151. The Defendants admit that U.S. Patent No. 7,230,931 (“the ’931 patent”) bears a title of “Wireless Access System Using Adaptable Beam Forming in TDD Frames and Method of Operation.” The Defendants deny that the ’931 patent bears an issue date of February 6, 2007. The Defendants further admit that attached as Exhibit 3 is what purports to be a true and correct

copy of the '931 patent. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 151 and therefore deny them.

152. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 152 and therefore deny them.

153. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 153 and therefore deny them.

154. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 154 and therefore deny them.

155. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 155 and therefore deny them.

156. Denied.

157. The Defendants are without knowledge sufficient to form a belief as to the truth of the allegations of paragraph 157 and therefore deny them.

158. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 158 and therefore deny them.

159. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 159 and therefore deny them.

160. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 160 and therefore deny them.

161. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 161 and therefore deny them.

162. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 162 and therefore deny them.

163. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 163 and therefore deny them.

164. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 164 and therefore deny them.

165. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 165 and therefore deny them.

166. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 166 and therefore deny them.

167. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 167 and therefore deny them.

168. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 168 and therefore deny them.

169. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 169 and therefore deny them.

170. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 170 and therefore deny them.

171. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 171 and therefore deny them.

172. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 172 and therefore deny them.

173. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 173 and therefore deny them.

174. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 174 and therefore deny them.

175. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 175 and therefore deny them.

176. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 176 and therefore deny them.

177. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 177 and therefore deny them.

178. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 178 and therefore deny them.

179. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 179 and therefore deny them.

180. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 180 and therefore deny them.

181. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 181 and therefore deny them.

182. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 182 and therefore deny them.

183. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 183 and therefore deny them.

184. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 184 and therefore deny them.

185. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 185 and therefore deny them.

186. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 186 and therefore deny them.

187. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 187 and therefore deny them.

188. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 188 and therefore deny them.

189. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 189 and therefore deny them.

190. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 190 and therefore deny them.

191. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 191 and therefore deny them.

192. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 192 and therefore deny them.

193. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 193 and therefore deny them.

194. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 194 and therefore deny them.

195. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 195 and therefore deny them.

196. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 196 and therefore deny them.

197. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 197 and therefore deny them.

198. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 198 and therefore deny them.

199. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 199 and therefore deny them.

200. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 200 and therefore deny them.

201. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 201 and therefore deny them.

202. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 202 and therefore deny them.

203. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 203 and therefore deny them.

204. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 204 and therefore deny them.

205. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 205 and therefore deny them.

206. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 206 and therefore deny them.

207. The Defendants specifically deny any alleged infringement. The Defendants are

without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 207 and therefore deny them.

208. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 208 and therefore deny them.

209. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 209 and therefore deny them.

210. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 210 and therefore deny them.

211. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 211 and therefore deny them.

212. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 212 and therefore deny them.

213. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 213 and therefore deny them.

214. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 214 and therefore deny them.

215. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 215 and therefore deny them.

216. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 216 and therefore deny them.

217. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 217 and therefore deny them.

218. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 218 and therefore deny them.

219. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 219 and therefore deny them.

220. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 220 and therefore deny them.

221. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 221 and therefore deny them.

222. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in

paragraph 222 and therefore deny them.

223. The Defendants specifically deny any alleged infringement. The Defendants are without knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 223 and therefore deny them.

224. The Defendants admit that they sell products in this District. The Defendants deny the remaining allegations in paragraph 224.

225. Paragraph 225 contains conclusions of law and not averments of fact to which an answer is required, but insofar as a response is required, Defendants deny that service of the Complaint provided sufficient legal notice of the '931 patent or any alleged infringement by Defendants as of the date of service. Defendants deny all remaining allegations contained in paragraph 225.

226. Denied.

227. Denied.

228. Denied.

229. Denied.

JURY DEMAND

This sentence contains a demand for jury trial to which no response is required.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any of the relief sought in its prayer for relief.

AFFIRMATIVE DEFENSES

Subject to its responses above, and upon information and belief, Defendants allege and asserts the following defenses in response to the allegations of the Complaint. Regardless of how such defenses are listed herein, Defendants undertake the burden of proof only as to those

defenses that are deemed affirmative defenses as a matter of law. In addition to the affirmative defenses described below, Defendants reserve the right to amend or raise additional affirmative defenses pursuant to any docket control order or as additional information becomes available through further investigation and discovery.

FIRST AFFIRMATIVE DEFENSE
(Non-infringement)

1. Defendants do not infringe and have not infringed, directly, indirectly, literally or by the doctrine of equivalents, any valid and enforceable claim of the '810 patent, '916 patent, or '931 patent (collectively "the patents-in-suit").

SECOND AFFIRMATIVE DEFENSE
(Invalidity)

2. One or more claims of the patents-in-suit are invalid, unenforceable or void for failure to satisfy one or more of the requirements for patentability set forth in Title 35 of the United States Code, including without limitation, 35 U.S.C. §§ 101, 102, 103, and/or 112.

THIRD AFFIRMATIVE DEFENSE
(Equitable Defenses)

3. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, implied waiver, laches, acquiescence, equitable estoppel, unclean hands, and/or other equitable defenses.

FOURTH AFFIRMATIVE DEFENSE
(Limitation on Damages)

4. Pursuant to the requirements of 35 U.S.C. §§ 286-288, Plaintiff's ability to recover damages and/or costs is limited. Without limitation, Defendants allege on information and belief that any claim for damages for patent infringement by Plaintiff is limited by 35 U.S.C. § 287 to only those damages occurring after proper and sufficient notice of infringement to Sprint.

FIFTH AFFIRMATIVE DEFENSE
(Prosecution History Estoppel)

5. Plaintiff's claims of patent infringement are barred in whole or in part by the doctrine of prosecution history estoppel.

SIXTH AFFIRMATIVE DEFENSE
(28 U.S.C. § 1498)

6. Plaintiff's claims of patent infringement are barred in whole or in part by 28 U.S.C. § 1498 to the extent Plaintiff claims infringement of devices sold to and/or designed for the United States.

SEVENTH AFFIRMATIVE DEFENSE
(No Exceptional Case)

7. Plaintiff cannot prove that this is an exceptional case justifying award of attorney fees against Sprint pursuant to 35 U.S.C. § 285.

EIGHTH AFFIRMATIVE DEFENSE
(Express License, Implied License, Patent Exhaustion, and/or the Single Recovery Rule)

8. Plaintiff's claims are barred, in whole or in part, by express license agreements and/or under the doctrines of implied license, patent exhaustion, and/or the single recovery rule.

NINTH AFFIRMATIVE DEFENSE
(Failure to Mark)

9. Plaintiff's pre-lawsuit claims for damages are barred, in whole or in part, for failure to comply with the marking and notice requirements of 35 U.S.C. § 287.

TENTH AFFIRMATIVE DEFENSE
(Failure to State a Claim)

10. The Complaint has failed to state a claim upon which relief can be granted.

JURY DEMAND

In accordance with Fed. R. Civ. P. 38(b), Defendants demand a trial by jury on all issues

so triable.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray that the Court enter judgment in their favor and against GAS and grant the following relief:

- A. Dismiss the Complaint with prejudice and denying each and every prayer for relief contained therein;
- B. Declare that none of the claims of the patents-in-suit are directly, indirectly or jointly infringed by the use, sale or offer for sale of any of Defendants' services or products or any other activity attributable to Defendants, either literally or under the doctrine of equivalents;
- C. Declare that the claims of the patents-in-suit are invalid;
- D. Declare that this case is "exceptional" within the meaning of 35 U.S.C. § 285, and that all costs and expenses of this action, including reasonable attorneys' fees, be awarded to Defendants; and
- E. Granting Defendants such further relief as this Court may deem necessary, just or proper.

Dated: October 4, 2016

Respectfully submitted,

/s/ Jason W. Cook

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LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record on this 4th day of October, 2016, via CM/ECF.

/s/ Jason W. Cook
Jason W. Cook